

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MSC.SOFTWARE CORPORATION,

Plaintiff(s),

CASE NUMBER: 07-12807

HONORABLE VICTORIA A. ROBERTS

v.

**ALTAIR ENGINEERING, INC., MARC
KLINGER, ANDREA PERTOSA, STEPHAN
KOERNER, TOM RIEDEMAN, RAJIV RAMPALLI
MARK KRUEGER, and MICHAEL HOFFMAN**

Defendant(s).

ORDER CLARIFYING THE COURT'S NOVEMBER 13, 2008 ORDER

On November 13, 2008, the Court entered an "Order Adopting in Part Special Master Hollaar's Report and Recommendation." (Doc. #229). On or before November 19, 2008, Altair was required to send:

- (1) MSC's outside counsel . . . a copy of its complete, current, and unredacted development twiki for MotionSolve/Motion Auto unencrypted; and
- (2) MSC's outside counsel a copy of its complete, current, and unredacted source code repository for MotionSolve/MotionAuto in a TrueCrypt volume.

On November 19, 2008, Altair sent MSC's counsel a copy of the source code repository and twiki database as it existed on September 2, 2008.

On December 15, 2008, MSC sent a letter to the Court asking for clarification on the word "current."

The Order requiring Altair to send MSC a "current" copy of its source code repository and development twiki is an adoption of Special Master Hollaar's Report and

Recommendation that the Court direct Altair to “provide an unredacted version of the source code repository and development twiki for MotionSolve to MSC’s outside counsel by September 15, 2008, in the form that it is normally kept with no encryption or other transformations[.]”. Because Special Master Hollaar’s recommendation is dated September 9, 2008, “current” means the September 2, 2008 version.

MSC’s experts now have a copy of Altair’s source code repository and twiki database as it existed on September 2, 2008. The Court’s November 13, 2008 Order required Altair to provide MSC’s outside counsel with a copy of its source code repository and twiki database to aid them in communicating with their own experts. It only makes sense that MSC’s outside counsel and its experts have the same version.

Altair’s production of the source code repository and twiki database as it existed on September 2, 2008 complies with the Court’s November 13th Order.

However, before MSC’s expert reports are due, the Court may require Altair to provide MSC’s experts and outside counsel an updated version of its source code repository and twiki database.

IT IS ORDERED.

/s/ Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: December 18, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on December 18, 2008.

s/Linda Vertriest

Deputy Clerk